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21 UNITED STATES DISTRICT COURT  
22 DISTRICT OF NEVADA

23 THE ESTATE OF BARRY ISOM, by and  
24 through its Executrix, Mary Love-Isom;  
25 Jaimee Isom Newberry and Kimberlee Isom  
26 Grindstaff;

27 Plaintiffs,

28 v.

29 UNITED STATES OF AMERICA, and  
30 DOES 1 through 100, inclusive,

31 Defendants,

Case No.:2:14-cv-00475-JAD-VCF

**STIPULATED REQUEST FOR  
EXTENSION OF SCHEDULING  
DEADLINES AND JOINT REQUEST  
FOR REVISED SCHEDULING ORDER  
(Fourth Request)**

32 Pursuant to Local Rules 6-1, 26-4, and Fed. R. Civ. P. 6(b), the parties stipulate, subject  
33 to this Court's approval, the deadlines in the approved discovery schedule be extended for thirty  
34 (30) days for the reasons noted below.

1           1.       **Status Report.** This request is made 41 days before the current close of  
2 discovery, which is set for October 9, 2015. Pursuant to Local Rules 6-1(b) and 26-4, this request  
3 is timely in that it is made before the discovery cutoff. However, it is not timely in that it is made  
4 less than 21 days before the deadline of Plaintiff's Rebuttal Expert disclosures, which is set for  
5 September 4, 2015. As discussed more fully below, the parties' stipulation should still be  
6 approved because this stipulation is being filed six (6) days before the deadline. The Defendant's  
7 have produced a medical expert report for which Plaintiff's will require more than thirty (30)  
8 days to respond. Plaintiff's economic expert is also requiring a copy of Plaintiff's medical  
9 expert's rebuttal report, which will require more time as well. The Court granted the first,  
10 second, and third extensions of discovery deadlines in this case on January 12, 2015 (ECF No.  
11 27), April 24, 2015 (ECF No. 34), and July 22, 2015 (ECF No. 40).

12           2.       **Status/Discovery Completed.** On August 14, 2014, the parties held a conference  
13 pursuant to Fed. R. Civ. P 26(f). On August 29, 2014, the Court entered a scheduling Order (ECF  
14 No. 21). Pursuant to the Scheduling Orders (ECF Nos. 27, 34, and 40) and Fed. R. Civ. P.  
15 26(a)(1), the parties exchanged initial disclosures and significant discovery has been completed,  
16 including the exchange of discovery requests, and the retention of experts.

17           The parties have further completed the following discovery:

- 18           •       September 10, 2014: Defendant served Plaintiffs with interrogatories and  
19 requests for production.
- 20           •       October 31, 2014: Plaintiffs served responses to Defendant's interrogatories and  
21 requests for production.
- 22           •       November 20, 2014: Defendant and Plaintiffs met and conferred regarding  
23 Plaintiffs' responses.
- 24           •       December 8, 2014: Defendant's counsel and Defendant's accident  
25 reconstructionist consultant conducted an inspection of the motorcycle involved  
26 in the accident at issue in Panaca, Nevada.
- 27           •       December 11, 2014: Plaintiffs served some supplemental discovery responses in  
28 accordance with the parties' meet and confer.
- December 26, 2014: Plaintiffs served Defendant with interrogatories and requests  
for production of documents.
- December 2014-April 2015: Plaintiffs noticed the depositions of six (6) non-  
party witnesses.

- 1 • January 7, 2015: Defendant and Plaintiffs met and conferred regarding still  
2 outstanding supplemental discovery responses, including documentation of  
3 benefits provided to Plaintiffs' economist expert.
- 4 • January 11, 2015: Plaintiffs deposed Vanessa Van Zerr, driver of the government  
5 vehicle.
- 6 • January 12, 2015: Plaintiffs deposed Nelson Lau, passenger in the government  
7 vehicle.
- 8 • January 22, 2015: Plaintiffs deposed former Nevada Highway Patrol ("NHP")  
9 Officer John Cunag.
- 10 • February 4, 2015: Defendant served discovery responses and its Third  
11 Supplemental Disclosures.
- 12 • February 18, 2015: Defendant served supplemental discovery responses.
- 13 • March 12, 2015: Plaintiffs deposed Irini Lamkin, passenger in the government  
14 vehicle.
- 15 • March 17, 2015 and March 30, 2015: Defendant emailed Plaintiffs' counsel  
16 regarding the status of supplemental discovery responses.
- 17 • March 31, 2015: Defendant served its Fourth Supplemental Disclosures.
- 18 • April 14, 2015: Plaintiffs served their Fourth Supplemental Disclosures.
- 19 • April 20, 2015: Plaintiffs served their Fifth Supplemental Disclosures.
- 20 • April 23, 2015: Plaintiffs deposed NHP Officer Alan Davidson.
- 21 • May 19, 2015: Defendant deposed Plaintiff Mary Love-Isom.
- 22 • May 21, 2015: Defendant deposed Plaintiff Jaimee Newberry.
- 23 • June 3, 2015: Defendant deposed Plaintiff Kimberlee Grindstaff.
- 24 • June 26, 2015: Plaintiffs served Defendant with their Expert Witness Disclosure  
25 Statement and Reports.
- 26 • August 10, 2015: Defendant served Plaintiffs with their Expert Witness  
27 Disclosure Statement and Reports.

28 3. **Discovery remaining.** The parties' remaining discovery is limited to Plaintiff's  
Expert Rebuttal reports currently due on September 4, 2015.

4. **Reasons for extension.** Plaintiff was not anticipating a Medical Expert Report  
from Defendant's, therefore, did not have a medical expert of their own lined up to prepare a  
rebuttal report. The parties are requesting an additional thirty (30) days for the remaining rebuttal

expert disclosure deadlines, and do not seek to change any other remaining discovery deadlines. The parties stipulate to this extension in good faith and not for the purpose of unnecessarily delaying the proceedings.

5. **Revised discovery schedule.**<sup>1</sup> The parties stipulate and agree to the following revised discovery plan and ask that the Court adopt it as the revised scheduling order in this case.

A. **Expert Rebuttal Disclosures:** Plaintiffs' expert disclosures were served on June 26, 2015. Defendant's expert disclosures were served on August 10, 2015; and Plaintiffs may provide solely contradictory or rebuttal expert disclosures by October 4, 2015, which is 5 days before discovery cutoff.

**DATED** this 28<sup>th</sup> day of August, 2015.

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United States Attorney

JUSTICE LAW CENTER  
MARQUIZ LAW OFFICE, PC

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/s/ Alissa C. Engler,  
BRET O. WHIPPLE, ESQ.  
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ALISSA C. ENGLER, ESQ.

**IT IS SO ORDERED:**



UNITED STATES MAGISTRATE JUDGE

DATED: 8-31-2015

<sup>1</sup>Pursuant to Fed. R. Civ. P. 6(a)(C) deadlines falling on a weekend or legal holiday "run until the next day that is not a Saturday, Sunday, or legal holiday"